

UNCLASSIFIED

CONFIDENTIAL

D18

CDS

OAACZYUW RUEHLIA1609 3500748-CCCC--RHEFLGX.

ZNY CCCCC ZOC STATE ZZH

HEADER

O 160748Z DEC 05

FM AMEMBASSY LISBON

TO RUEHC/SECSTATE WASHDC

INFO RUCNMEM/EU MEMBER STATES

RUEHSW/AMEMBASSY BERN

RUEHNY/AMEMBASSY OSLO

RUEHRK/AMEMBASSY REYKJAVIK

RUEHNO/USMISSION USNATO

BT

CONTROLS

CONFIDENTIAL LISBON 001609

E.O. 12958: DECL: 12/13/2015

***** THIS IS A COMBINED MESSAGE *****

BODY

TAGS: OPDC, PHUM, PREL, EUN, PO

SUBJECT: PORTUGAL: FOREIGN MINISTER'S PARLIAMENTARY

TESTIMONY ON CIA FLIGHTS/PRISONS ALLEGATIONS

REF: A) LISBON 1583 B) STATE 220071

CLASSIFIED BY: CLASSIFIED BY POL/ECON DEPUTY CARI ENAV FOR REASONS 1.4
(B) AND (D)

SUMMARY

1. (U) FOREIGN MINISTER FREITAS DO AMARAL TESTIFIED BEFORE A JOINT PARLIAMENTARY COMMITTEE DECEMBER 13 THAT PORTUGAL HAD FOUND NO EVIDENCE OF SECRET PRISONS ON PORTUGUESE TERRITORY NOR HAD IT FOUND ANY EVIDENCE OF CIA OVERFLIGHTS/LANDINGS RELATED TO SECRET PRISONS OR THE TRANSFER OF INDIVIDUALS IN VIOLATION OF NATIONAL LEGISLATION OR INTERNATIONAL LAW. FREITAS DO AMARALS 40 MINUTE SPEECH OUTLINED IN PAINSTAKING DETAIL EVERYTHING FROM OVERFLIGHT/LANDING PROCEDURES TO CONSULTATIONS WITH OTHER EUROPEAN NATIONS INVESTIGATING THE ALLEGATIONS. FREITAS DO AMARAL QUOTED SECRETARY RICE'S DECEMBER 5 LETTER TO THE EU STATING THAT THE U.S. HAD NOT TRANSPORTED DETAINED INDIVIDUALS TO BE TORTURED, NOR HAD THE U.S. USED EUROPEAN AIRSPACE/AIRPORTS TO DO SO. THIS TESTIMONY SHOULD DAMPEN FURTHER PORTUGUESE MEDIA ENTHUSIASM FOR THE STORY, ABSENT REVELATIONS THAT CONTRADICT FREITAS'S

CONFIDENTIAL

page 2

UNCLASSIFIED

CONFIDENTIAL

TESTIMONY. END SUMMARY.
TESTIMONY

2. (U) ON DECEMBER 13, FOREIGN MINISTER FREITAS DO AMARAL TESTIFIED BEFORE THE COMMISSION ON CONSTITUTIONAL AFFAIRS, LAW, LIBERTY AND RIGHTS AND THE COMMISSION ON FOREIGN RELATIONS AND PORTUGUESE COMMUNITIES REGARDING ALLEGATIONS THAT THE CIA UTILIZED **SECRET DETENTION** CENTERS IN EUROPE AND THAT THE CIA HAD USED EUROPEAN AIRSPACE TO TRANSFER DETAINED INDIVIDUALS TO THESE SECRET EUROPEAN PRISONS WHERE THEY WERE SUBJECT TO TORTURE, CRUELTY AND THREAT OF DEATH. HAVING DONE EXTENSIVE INTERNAL INVESTIGATIONS AND CONSULTED WITH EUROPEAN ALLIES, FREITAS DO AMARAL SAID THAT PORTUGAL HAD REACHED THE FOLLOWING CONCLUSIONS:

WITH REGARD TO **SECRET DETENTION** CENTERS -

A) **SECRET DETENTION** CENTERS HAVE NEVER EXISTED IN PORTUGAL. NEITHER THE MINISTER OF INTERNAL ADMINISTRATION NOR THE MINISTER OF JUSTICE HAVE ANY KNOWLEDGE RELATED TO **SECRET DETENTION** CENTERS ON PORTUGUESE TERRITORY, PAST OR PRESENT.

B) THE MINISTER OF JUSTICE, WHO IS IN CHARGE OF PRISONERS, CERTIFIED THAT **SECRET DETENTION** CENTERS DID NOT EXIST (IN PORTUGAL) AND GUARANTEED THAT SINCE SEPTEMBER 11, 2001, THE PORTUGUESE PENAL SYSTEM HAD NOT DETAINED ANY INDIVIDUAL DESCRIBED AS REFERENCED ABOVE.

WITH REGARD TO OVERFLIGHT/LANDINGS -

A) PORTUGAL DID NOT GRANT NOR WAS IT REQUESTED TO GRANT AUTHORIZATION FOR OVERFLIGHT/LANDING OF AIRCRAFT WITH CHARACTERISTICS ALLEGED IN THE MEDIA THAT WOULD VIOLATE NATIONAL LEGISLATION OR INTERNATIONAL LAW.

B) AFTER CONTACTING THE APPROPRIATE AUTHORITIES, THE PORTUGUESE GOVERNMENT HAS NO INDICATION THAT AIRPLANES OF THIS NATURE PASSED THROUGH PORTUGAL IN VIOLATION OF NATIONAL LEGISLATION AND OF INTERNATIONAL RIGHTS.

C) PORTUGAL HAS NO REASON TO DOUBT THE U.S. GUARANTEE THAT IT NEVER VIOLATED PORTUGAL'S SOVEREIGNTY NOR DID IT VIOLATE ANY BILATERAL AGREEMENT OR INTERNATIONAL LAW. FREITAS DO AMARAL INCLUDED IN HIS REMARKS THE FOLLOWING QUOTES FROM SECRETARY RICE'S DECEMBER 5 LETTER TO THE EU:

-- THE U.S. DOES NOT TRANSPORT, NOR DID IT TRANSPORT, DETAINED INDIVIDUALS FROM ONE COUNTRY TO ANOTHER FOR THE PURPOSE OF INTERROGATION UNDER TORTURE, OTHER CRUEL MEANS, OR THREAT OF DEATH.

CONFIDENTIAL

page 3

UNCLASSIFIED

CONFIDENTIAL

-- THE U.S. DOES NOT USE THE AIRSPACE OR THE AIRPORTS OF ANY COUNTRY WITH THE OBJECTIVE OF TRANSPORTING DETAINED INDIVIDUALS FROM ONE COUNTRY TO ANOTHER FOR THE PURPOSE OF INTERROGATION UNDER TORTURE, OTHER CRUEL MEANS, OR THREAT OF DEATH.

-- THE U.S. HAS NOT TRANSPORTED, NOR WILL IT TRANSPORT, AN INDIVIDUAL FROM ONE COUNTRY WHEN IT BELIEVES HE WILL BE MALTREATED, ALWAYS DEMANDING, IN THESE CASES, GUARANTEES FROM THE NATIONAL AUTHORITIES THAT THESE TRANSFERRED INDIVIDUALS WILL NOT BE SUBJECT TO TORTURE, CRUEL MALTREATMENT OR FEAR OF DEATH.

D) AT THE TIME THE ALLEGATIONS WERE MADE IN MID-NOVEMBER, THE
***** START OF SECTION 2 *****

E.O. 12958: DECL: 12/13/2015

TAGS: OPDC, PHUM, PREL, EUN, PO

SUBJECT: PORTUGAL: FOREIGN MINISTER'S PARLIAMENTARY
TESTIMONY ON CIA FLIGHTS/PRISONS ALLEGATIONS

CURRENT GOVERNMENT DID NOT COMMENT BECAUSE IT ONLY HAD INFORMATION DATING BACK TO THE TIME IT TOOK OFFICE IN MARCH 2005. SINCE THEN, HAVING THOROUGHLY RESEARCHED THE MATTER, PORTUGAL HAS FOUND NO INDICATION TO SUPPORT THAT ALLEGED FLIGHTS, IN VIOLATION OF NATIONAL AND INTERNATIONAL LAW, OCCURRED DURING THE TWO PREVIOUS GOVERNMENTS, COINCIDING WITH THE BEGINNING OF THE WAR IN IRAQ TO MARCH 2005.

QUALIFICATION AND COMMENTARY

3. (U) FREITAS DO AMARAL WENT ON TO QUALIFY THAT THE GOVERNMENT WOULD NOTIFY PARLIAMENT VIA THE JOINT COMMITTEE IF ANY NEW INFORMATION RELATED TO THE ALLEGATIONS OR CONTRARY TO HIS TESTIMONY SURFACED.

4. (U) FREITAS DO AMARAL ALSO UNDERScoreD THAT "IF THE WAR AGAINST CRIME IN GENERAL AND TERRORISM IN PARTICULAR MUST RESPECT INTERNATIONAL NORMS AND PROTECT THE GUARANTEE OF HUMAN RIGHTS, AND IF THEIR VIOLATIONS MUST BE INVESTIGATED AND PUNISHED, (THEN) THESE INVESTIGATIONS AND EVENTUAL PUNISHMENTS MUST NOT WEAKEN OR DIMINISH OUR RESOLVE TO COMBAT, BY ALL LEGAL MEANS WITHIN OUR REACH, THE TERRIBLE THREAT WE ALL FACE - INTERNATIONAL MEGA-TERRORISM - A THREAT WITHOUT A FACE, WITHOUT AN AGENDA, AND BASED ON THE INTENTIONAL KILLING OF INNOCENT CIVILIANS."

5. (U) FOLLOWING THE TESTIMONY, A REPRESENTATIVE FROM EACH OF PORTUGAL'S FIVE MAJOR POLITICAL PARTIES COMMENTED ON THE

CONFIDENTIAL

page 4

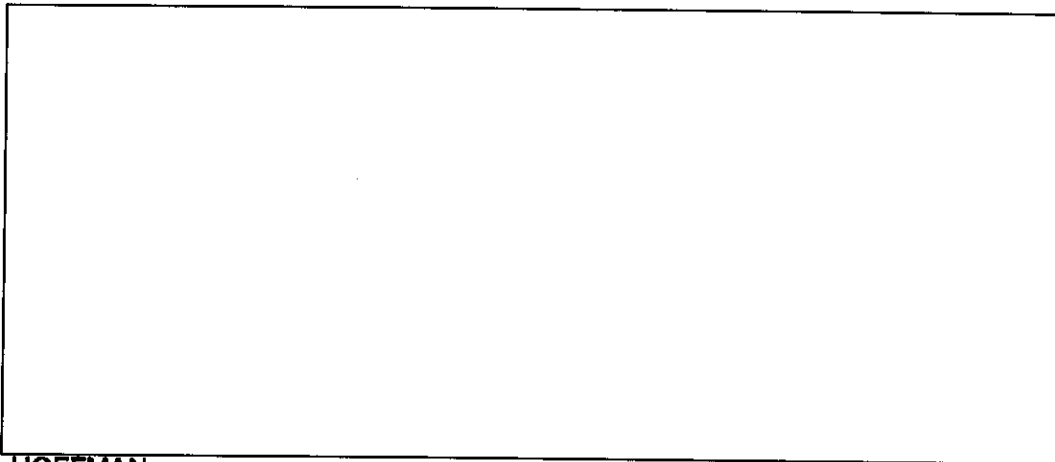
UNCLASSIFIED

UNCLASSIFIED

CONFIDENTIAL

FINDINGS. THE LEFT BLOC AND THE COMMUNIST PARTY WERE HIGHLY CRITICAL OF THE GOVERNMENTS FINDINGS, QUESTIONING THE CREDIBILITY OF SECRETARY RICES STATEMENTS, U.S. FOREIGN POLICY, TREATMENT OF PRISONERS HELD IN GUANTANAMO, AND THE U.S. POLICY ON TORTURE. HOWEVER, REPRESENTATIVES FROM THE RULING SOCIALIST PARTY, THE SOCIAL DEMOCRATIC PARTY, AND THE CHRISTIAN DEMOCRATIC PARTY PRAISED FREITAS DO AMARAL'S TESTIMONY, WITH THE SOCIAL DEMOCRATIC PARTY DEPUTY NOTING THAT "A GOOD FIGHT IS NOT ONE AIMED AT AMERICAN IMPERIALISM, BUT ONE AIMED AT TERRORISM."

COMMENT



B1

HOFFMAN

ADMIN

BT

#1609

C004

NNNN

CONFIDENTIAL

page 5

UNCLASSIFIED